

### Remarks

Claims 1, 6, 7, 10-13, 15 – 17, 19, 20, and 58 are allowed. Claims 20, 23, 33 and 58 have been amended herein to correct minor typographical errors and/or to place the claims in better condition for appeal, and such amendments to do not raise any new issues requiring further search or additional consideration. Claims 21 – 29, 31-39, 45 –50, 59 and 60 remain for consideration and reconsideration of these claims is requested.

### I. Summary of the Invention

Claim 21 represents a broad statement of the invention as recited in the pending claims. Claim 21 recites a method of personalizing marketing resources, including providing a data mining engine capable of being trained with training data and capable thereafter of performing inferences relative to the training data. A user database is provided for correlating observed characteristics of each one of a set of users with a set of adaptable marketing features, the observed characteristics comprising: (a) at least one of the user's attributes, and (b) at least one of the user's preferences. The data mining engine is trained with a set of training data comprising the user database by clustering the users in the database into user segments with similar observed characteristics.

Claim 21 further features inputting to the data mining engine a set of user attributes of one of: (a) a particular user, or (b) a particular group of users; and, in response thereto, obtaining from the data mining engine a subset of the adaptable marketing features having the highest correlation to the set of user attributes by determining which of the user segments identified during the training of the data mining engine has characteristics that are statistically correlated with the set of user attributes; and wherein the subset of adaptable marketing features is determined based upon the preferences of users in the user segments statistically correlated to the set of user attributes.

**II Rejection of Claims 21 and Corresponding computer readable  
claim 59 Under 35 U.S.C. §102(e)**

Claims 21 and 59 stand rejected under 35 U.S.C. §102(e) as being anticipated by Almasi et al. (U.S. 6,260,036). This rejection should be withdrawn for at least the following reasons. Almasi et al. does not teach or suggest applicants' invention as recited in the subject claims.

“To be anticipating, a prior art reference must disclose each and every limitation of the claimed invention[,]...must be enabling[,] and [must] describe ..[the] claimed invention sufficiently to have placed it in the possession of a person of ordinary skill in the field of the invention.” *In re Paulsen*, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671,1673(Fed.Cir. 1994).

Claim 21 recites a method of personalizing marketing resources, including providing a data mining engine capable of being trained with training data and capable thereafter of performing inferences relative to the training data. It recites

***inputting to the data mining engine a set of user attributes of one of: (a) a particular user, or (b) a particular group of users; and, in response thereto, obtaining from the data mining engine a subset of the adaptable marketing features having the highest correlation to the set of user attributes by determining which of the user segments identified during the training of the data mining engine has characteristics that are statistically correlated with the set of user attributes.***

Contrary to the Examiner's assertions, there is no teaching or suggestion in the cited sections (nor in any other parts of the patent) of Almasi et al. of inputting to a data mining engine a set of user attributes of one of: ***(a) a particular user, or (b) a particular group of users as in*** applicants' claimed invention.

Almasi et al teaches a visual evaluation of results of a self-organizing map (SOM) analysis. *See* col 1, line 20. As noted in Almasi et al., “Clustering or segmentation uses unsupervised training to identify groups of records which are mathematically similar in the input data space. One use of this information in a business context is the development of different (i.e. targeted) marketing strategies *for each cluster or segment* depend on the characteristics of the segment”

**(emphasis added)** *See* column 13, line 13 - 18. At col. 14, line 46 it is stated that “Clearly, combining demographic data such as that used in this segmentation with spending data from a commercial data warehouse would give valuable insight into a company’s database. *Segments, or groups of neighboring segments, could be selected* and marketing campaigns tailored for these segments according to their demographics and spending interests.” **(emphasis added)** This is the essence of the teaching contained of Almasi et al., which is relating to use of clustering to formulate a marketing campaign.

Almasi et al. teaches a marketing campaign that is based on identifying an entire segment of users based on a clustering process and basing the marketing campaign on perceived characteristics (such as income for example) of the group as a whole. There is no showing (or suggestion), however, of a process of *inputting a set of attributes from a user or a set of users and determining which of the user segments (or clusters) identified during the training of the data mining engine has characteristics that are statistically correlated with the set of user attributes that were input to the data mining engine* as in applicants’ claimed invention.

Independent claim 59 recites similar limitations to that discussed above with respect to claim 21.

It is readily apparent from at least the foregoing comments that Almasi et al. does not anticipate or make obvious applicants’ invention as recited in the subject claims, and this rejection should be withdrawn.

### **III. Rejection of Claims 22-29 Under 35 U.S.C. §103(a)**

Claims 22-29 stand rejected as being obvious over Almasi et al.

Withdrawal of this rejection is respectfully requested for at least the following reasons. The subject claims depend from independent claim 21, and therefore the subject invention as recited in these claims is not obvious over the cited reference for at least the reasons noted above regarding the deficiencies of Almasi et al. with respect to claim 21. This rejection should be withdrawn.

### **IV. Rejection of Claims 31-39, 45-50 and 60 Under 35 U.S.C. §103(a)**

Claims 31-39, 45-50 and 60 stand rejected under 35 U.S.C. §103(a) as being obvious over Almasi et al. and Herz et al. (U.S. 6,571,279). Withdrawal of this rejection is requested because neither Almasi et al. nor Herz et al. alone or in combination teach or suggest applicants' invention as recited in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claim 31 relates to a method of controlling the marketing resources of an Internet site having a real-time user interface during a visit to the Internet site by a particular user, and recites ... providing a data mining engine capable of being trained with training data and capable thereafter of performing inferences relative to the training data.

*a set of user attributes of a particular user is input to the data mining engine by obtaining observed characteristics of the particular user through a real-time user interface to the Internet site.* The process obtains from the data mining engine a subset of the adaptable marketing features having the highest correlation to the set of user attributes by determining which of the segments derived from the training data has characteristics that are statistically correlated with the set of user attributes, the subset of adaptable marketing features is determined based upon the preferences of the segments of users that was statistically correlated to the set of user attributes input to the data mining engine.

The cited references do not teach or suggest *a set of user attributes of a particular user is input to the data mining engine by obtaining observed characteristics of the particular user through a real-time user interface to the Internet site* as recited in the subject claim. The deficiencies of Almasi et al. are discussed *supra* with regard to the rejection of claim 21.

Herz et al. simply has a one line statement of “Two obvious ways of communicating promotions are by direct mail and through the retailer’s Web site.” This reference to a ‘Web site’ does not remedy the fundamental deficiency of Almasi et al.’s failure to *teach inputting attributes from a user to create a campaign aimed at that user.*

Claim 32 further recites constructing a presentation to be directed *to the particular user* comprising marketing features contained within the subset of marketing features. There is no suggestion in Almasi et al. or Herz et al. for targeting a campaign at a particular user.

Claims 32-39 and 45-50 depend from claim 31 and are not obvious over the cited references for at least for the reasons presented above regarding claim 31.

Claim 60 recites limitations similar to those discussed above regarding claim 31.

This rejection should be withdrawn.

**V. Conclusion**

All claims presently pending in this application are believed to be in condition for allowance and a prompt notification of allowance is requested.

In the event any fees are due in connection with this document, authorization is granted to charge such fees to Deposit Account No. 23-0630.

Respectfully Submitted,

Stephen Schultz 2/9/04

Stephen J. Schultz, Reg. No. 29,108